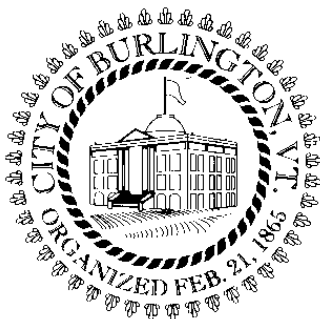


Office of
the Mayor
Burlington,
Vermont



**Miro Weinberger
Mayor**

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Burlington, VT 05401
Tel: (802) 865-7272

FOR IMMEDIATE RELEASE

December 19, 2012

Contact: Mike Kanarick

[802.735.7962](tel:802.735.7962)

**City of Burlington Advances Act 250 Permit Amendment Proposal
Seeking to Foster Public's Use and Control of Waterfront Park**

Burlington, VT – Mayor Miro Weinberger today highlighted the City of Burlington's efforts to enhance the public's use and control of Waterfront Park through amendments to its Act 250 permit filed by the City's Parks and Recreation Department. The City's efforts to protect public event opportunities at Waterfront Park continued yesterday morning when the City appeared at a prehearing conference before the District 4 Environmental Commission of the Vermont Natural Resources Board. The District Commission heard requests for "party status" from residents who live near Waterfront Park, as well as from several organizations that sponsor events at Waterfront Park.

"I take very seriously the importance of defending the public's use of Waterfront Park against those who would seek to impose greater limitations on the people's most important park," said Weinberger. "Our amendment is about who should decide the details about when and how Waterfront Park is used. My position is that the people of Burlington should decide who uses the park, as well as when and how they use it – the City is seeking to return control to the people of Burlington." (Please see attached side-by-side listing of the current and proposed permit language.)

"Burlington's waterfront is the people's waterfront, the people's front yard," said Bryan Aubin, Ward 4 City Councilor and member of the City Council Parks, Arts, and Culture Committee. "It is important that the people of Burlington have the right to control the opportunities of this great space for the betterment of all residents. This amendment will allow the City to do just that."

Other Waterfront Park stakeholders, including the Lake Champlain Community Sailing Center, Local Motion, and RunVermont, are supporting the Act 250 permit amendment.

"Ensuring the vibrancy and active use of the Burlington waterfront and Lake Champlain is a high priority," said Kate Neubauer, Executive Director of the Lake Champlain Community Sailing Center. "For over 18 years, the City of Burlington has been a key partner of the Community Sailing Center. We look forward to continuing our work with the City, local organizations, and our community members to improve the access and enjoyment of this signature resource."

“We Burlington residents have invested significant time and money over the last two decades to make the waterfront the front porch of our community,” said Chapin Spencer, Executive Director of Local Motion. “It’s become a wonderful place where we can all come together to celebrate, recreate, and access Lake Champlain. As Local Motion and many others continue to partner with the City to make the waterfront even better, it makes sense to have our City, not Montpelier, control the future of our most prized area.”

“RunVermont is eager to participate with our City partners, including City Hall, Burlington businesses, and Burlington residents, in an updated process that will recognize the changing conditions and demands on one of the City’s most prized assets, Waterfront Park,” said Peter Delaney, Executive Director of RunVermont. “The revitalization of a process that was developed almost two decades ago is long overdue and should reflect the concerns of today, as well as project the demands into the future. We look forward to a collaborative process that will allow everyone involved to create a vibrant, active environment to be enjoyed by all.”

Both Spencer and Delaney attended Tuesday’s preconference hearing on behalf of Local Motion and RunVermont, respectively.

The idea of amending the Waterfront Park Act 250 permit has deep roots.

In April 2000, the Burlington City Council authorized the Parks and Recreation Department to seek an amendment to the Act 250 permit removing conditions that “unduly restrict the use of Waterfront Park for public events.” (Please see attached Resolution Relating to Exception from Rules for Waterfront Park, adopted by City Council on April 24, 2000.)

“Our goal is to clean up and modernize an old permit, to bring control back to the people of Burlington,” said Jesse Bridges, Director of the Burlington Department of Parks and Recreation.

The outdated conditions contained in the existing Act 250 permit stem from the Parks and Recreation Commission having adopted them in 1993. Under Act 250, these antiquated conditions may only be modified by the Act 250 District Commission.

“Circumstances and opportunities have changed since our original permit was approved,” continued Bridges. “Waterfront Park has become an incredibly successful venue for all types of events – from athletic competitions and concerts to activities for our children and non-profit fundraising events. There’s been something for everyone in our community, and the people of Burlington are looking more and more for these types of events and activities that bring our community together. The City intends to continue to regulate events at Waterfront Park to ensure safety and the neighborhoods’ quality of life, but the City seeks to have those regulatory decisions reside with the people of Burlington.”

Through its permit amendment application, the City of Burlington seeks to enhance local control of Waterfront Park by putting decision-making approval of when and how the park is used in the hands of the City instead of the District Environmental Commission appointed by the governor. To read Burlington’s application, please visit: <http://www.anr.state.vt.us/ANR/ACT250/Act250.aspx> and enter 4C0863-4.

The City will continue to maintain an active Waterfront Advisory Event Selection Committee made up of neighbors, event producers, business owners, and City staff including Fire and Police. The committee serves as the backbone for public engagement and oversight on waterfront park events.

“We are a service-oriented department that relies on feedback and communication from the public to move forward,” added Bridges. “In partnership with the Advisory Event Selection Committee, the Burlington Parks and Recreation Department is seeking to responsibly manage our own park. This active and engaged group provides the infrastructure to hear and respond to issues, as well as to gauge support and needs for upcoming events. As a representative group of citizens, it will serve as our able partner in managing the park into the future.”

The City of Burlington’s Waterfront Park management structure and public input opportunities are as follows:

- Waterfront Park is managed by the City of Burlington Parks and Recreation Department with oversight by the Parks and Recreation Commission.
- The Mayor of Burlington appoints the Director of the Parks and Recreation Department, and the appointment is confirmed by the City Council.
- The City Council appoints five Parks and Recreation Commissioners, who hear from the public and advise the Department on all Parks and Recreation matters including the use and management of Waterfront Park. The Commission meets on the third Tuesday of every month at the Parks and Recreation offices at 645 Pine Street. Meetings begin at 5:00 PM with a public forum held at 5:30 PM. Any City resident is eligible to seek a Commission appointment.
- The Waterfront Advisory Event Selection Committee is assembled by the Parks Department with oversight provided by the Parks Commission with representation from various constituent groups, including the adjoining neighbors. The committee advises the department and City on issues related to waterfront events, reviewing both the upcoming and past season’s schedules. They currently meet twice per year with public forum opportunities at all meetings.

“I welcome and encourage anyone interested in how Waterfront Park is used and managed to take advantage of the opportunities for public input and involvement at the local level,” added Weinberger. “Upon approval of the City’s amendment application, I will seek City Council action establishing guidelines for the membership and protocols of the Waterfront Advisory Event Selection Committee.”

Please see attached documents:

- *Side-by-side listing of the current and proposed permit language*
- *Resolution Relating to Exception from Rules for Waterfront Park, adopted by City Council on April 24, 2000*

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City of Burlington – Waterfront Park Act 250 Permit Amendment

#	Existing Condition Language	Proposed Condition Language
12	<i>The Parks and Recreation Commission shall create an Advisory Event Selection Committee that shall include representatives of the Parks and Recreation Commission, the Parks and Recreation Department, event producers, a representative of the 216 Lake street building, and one other resident or business owner in the Lake Street area. The role of the Event Selection Committee shall be to consider and recommend specific events and schedules for events to mitigate the impact of large events and amplified music on the residential neighbors, by spacing the schedule of the larger Class I events, identifying the location of tents and ensuring that during events- where amplified music will be occurring lasting longer than 6 hours there will be scheduled breaks so that there are quiet periods. The Event Selection Committee shall recommend events based on the rules for waterfront park use adopted by the Parks and Recreation Commission.</i>	The Parks and Recreation Commission shall maintain an Advisory Event Selection Committee. The terms of the Committee's management will be decided by the City of Burlington.
14	<i>The Event Selection Committee shall meet at least twice annually, once in the fall after the event season is over and once prior to the following year's event season. The fall meeting shall include a review of the just completed event season and make recommendations to the Parks and Recreation Commission for modifications to the rules governing the park. The meeting prior to the next event season shall include a review of potential events for the season and recommendations for an event schedule for that season. The Event Selection Committee shall also meet during the middle of the summer of 1994, on or before July 22, to review the above referenced comparative sound study to be conducted by the Parks and Recreation Department, to review events held to date, and to make any recommendations to the Parks and Recreation Commission for modifications in the rules governing sound levels, frequency and location of sound measurements, and hours of performances.</i>	The Advisory Event Selection Committee shall meet as needed as determined by the City of Burlington.
18	<i>The Parks and Recreation commission shall promulgate rules regulating public events in the Waterfront Park, subject to approval by the Burlington City Council. These rules shall cover noise level and duration and frequency of music performances. The rules shall also specify the maximum number of hours per day of amplified music and the maximum number of hours of amplified music for the summer season. These rules shall be reviewed on an annual basis, including a public hearing held annually in the fall. The Parks and Recreation Department shall ensure that a staff person is located at the Boathouse to hear and respond to complaints during public events.</i>	The Department of Parks and Recreation shall adopt application guidelines and policies for events subject to approval by the Parks and Recreation Commission at a warned meeting. These guidelines can be addressed by the public directly with the Department of Parks and Recreation, at a Parks and Recreation Commission meeting, at a Neighborhood Planning Assembly, or before City Council.

City of Burlington – Waterfront Park Act 250 Permit Amendment

19	<p><i>The following rules shall apply to events held in the park, unless the Permittee secures written permission from the District Commission to change these rules.</i></p> <p><i>a) The park can be used for events for up to 27 days between May 27 and September 15.</i></p> <p><i>b) A maximum of 22 days may involve amplified music. Amplified music does not include music from acoustic instruments which is subsequently amplified.</i></p> <p><i>c) No more than 18 of the 27 days may be Saturdays and Sundays.</i></p> <p><i>d) Events may occur on no more than three consecutive weekends.</i></p> <p><i>e) Sound will not exceed 85 decibels measured at the perimeter of the park nearest the source of the sound. Sound may not exceed 75 decibels measured at the eastern edge of Lake street adjacent to any residential or commercial property.</i></p> <p><i>f) The cutoff time for amplified music will be 9:45 PM Sunday through Thursday and 10:45 PM on Friday and Saturday.</i></p>	<p>The following rules shall apply to events held in the park, unless the Permittee secures written permission from the District Commission to change these rules.</p> <p>a) Sound shall not exceed 85 dBA averaged over the course of 1 minute, as measured at the eastern perimeter of Waterfront Park, at a location nearest to the sound source.</p> <p>b) Sound also shall not exceed 75 dBA averaged over the course of 1 minute as measured within the eastern right of way of Lake Street, adjacent to residential properties and at a location nearest to the sound source.</p> <p>c) The cutoff time for amplified music will be 11 PM.</p>
20	<p><i>The Parks and Recreation Department shall enforce noise related rules by monitoring sound levels at the park at the locations identified in proposed Conditions 19(a)-19(b) on an hourly basis during public events involving music performances. On a monthly basis, the sound monitoring logs shall be sent for review to the city Health Officer. The sound monitoring logs shall be sent on an annual basis to the Parks and Recreation Commission prior to the annual fall public hearing to review the Waterfront Park public events rules.</i></p>	<p>The Parks and Recreation Department shall monitor sound levels at the park on an hourly basis during public events involving music performances.</p>

Resolution Relating to

EXCEPTION FROM RULES FOR WATERFRONT PARK

Sponsor(s): Councilor
Perry
Introduced: 4.24.00
Referred to: _____
Action: Adopted
Date: 4.24.00
Signed by Mayor: 5.5.00

CITY OF BURLINGTON

In the year Two Thousand
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, in 1993 the Burlington Parks & Recreation Commission adopted rules concerning the management of Waterfront Park; and

WHEREAS, these rules were subsequently incorporated into Land Use Permit #4C0863 for Waterfront Park by the State of Vermont; and

WHEREAS, these rules regulate public events to be held in the park including the duration and frequency of musical performances and their noise level; and

WHEREAS, these rules require the Department of Parks & Recreation to monitor sound levels during events so as to minimize their impact on nearby residences; and

WHEREAS, these rules limit events to no more than three consecutive weekends; and

WHEREAS, events are currently scheduled on the following weekends (May 28, June 4 and June 17, and June 24-25, 2000); and

WHEREAS, the Jazz Festival desires to utilize the Waterfront Park on Sunday, June 11th from noon to 5:00 p.m. for a gospel music performance, thereby resulting in events being held on five consecutive weekends; and

WHEREAS, the Jazz Festival also desires to utilize the Waterfront Park on Thursday, June 8th for an event ending at 12:00 midnight and requested an exception to the requirement that events end at 9:45 p.m. on weeknights; and

Resolution Relating to EXCEPTION FROM RULES FOR WATERFRONT PARK

WHEREAS, the Burlington Parks and Recreation Commission has reviewed this matter, was informed that numerous residents at 200 and 216 Lake Street were asked about and supported the schedule, and the Commission found that three of the five proposed events are only one day in duration and the Jazz Festival events would not result in an inappropriate amount of event activity; and

WHEREAS, a similar exception for consecutive weekends was granted in 1999 without complaints being received from the public; and

WHEREAS, the Burlington Parks & Recreation Commission has agreed to make exceptions to their rules so that events can be held on five consecutive weekends in 2000 and that the Jazz Festival event on Thursday, June 8, 2000 may continue until 12:00 midnight;

NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council supports and endorses these rule exceptions to allow events in Waterfront Park on five consecutive weekends in 2000 and the Jazz Festival event on Thursday June 8, 2000 to continue until 12:00 midnight; and

BE IT FURTHER RESOLVED that the Burlington City Council requests the Department of Parks & Recreation to seek approval from the State of Vermont District Environmental Commission #4 to allow these exceptions to the rules so that the Jazz Festival events can be held in Waterfront Park; and

BE IT FURTHER RESOLVED that if the Parks & Recreation Commission determines that the proposed events in 2000 are successful, the Burlington City Council requests that the Parks and Recreation Commission seek approval from the State of Vermont District Environmental Commission #4 to amend Land Use Permit #4C0863-1 by removing the rule

Resolution Relating to EXCEPTION FROM RULES FOR WATERFRONT PARK

which limits consecutive weekend events, sets time limits for music events and to review other existing rules and to propose other amendments to this permit which may also unduly restrict the use of Waterfront Park for public events.

lb/kas/c: Resolutions 2000/Exception from Rules for Waterfront Park 2000 (re Act 250)
4/12/00

* * * * *

ORIGINAL

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on May 8, 2000:

Parks & Recreation Department
Jazz Festival
State of VT Environmental Board

RESOLUTION RELATING TO

EXCEPTION FROM RULES FOR
WATERFRONT PARK

Adopted by the City Council

April 24, 2000
C. Halliwell, K54 Clerk

Approved May 5, 2000

Mayor

Attest:

Joanne M. Putzier

Joanne M. Putzier
Administrative Assistant

Vol. Page

* * * * *

Offered by
Councilor